



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Ferrera et al
Application No.:	10/600017
Filed:	June 19, 2003
For:	<b>DILATION CATHETER BALLOON MADE FROM PEN BASED HOMOPOLYMER OR RANDOM COPOLYMER</b>
Examiner:	Not Assigned
Group Art Unit:	3763

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2N-6259-US03

**INFORMATION DISCLOSURE STATEMENT**

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

       II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

*If paragraph II.1 or III is checked, also check one of the paragraphs below*

- I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.
- I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

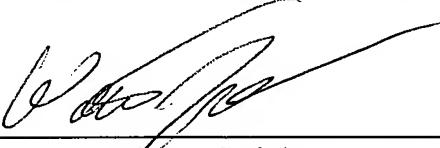
If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise.

Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 8, 2003

By: 

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Registration No.: 29592

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FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)			ATTY DOCKET NO: S63.2-6259-US03			Serial No: 10/600017		
			APPLICANT: David A. Ferrera et al					
			FILING DATE: Not Assigned			Group: Not Assigned		
REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS						
EXAM'S INIT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5195969	3/23/93	Wang et al	604	96		
	AB	5330428	7/19/94	Wang	604	96		
	AC	4154244	5/15/79	Becker	128	349		
	AD	5556383	9/17/96	Wang et al	604	96		
	AE	5270086	12/14/93	Hamlin	428	35.2		
	AF	RE 32,983	7/11/89	Levy	428	36.92		
	AG	4963313	10/16/90	Noddin et al.	264	573		
	AH	5290306	3/1/94	Trotta et al	606	194		
	AI	5512051	4/30/96	Wang et al	604	96		
	AJ	5264260	11/23/93	Saab	428	35.5		
	AK	RE 33,561	3/26/91	Levy	428	36.92		
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION								
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	96/04951	2/22/96	WO	A61M	25/00		x
	BB	95/22367	8/24/95	WO	A61M	25/00		x
	BC	0457456	11/21/91	EP	A61M	25/00		x
	BD	92/19440	11/12/92	WO	B29C	49/00		x
	BE	0745395	4/12/96	EP	A61L	29/00		x
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
CA		Amoco product literature on PEN materials, pp. 3-5. Date unknown.						
CB		M. Cakmak et al., Processing Characteristics, Structure Development, and Properties of Uni and Biaxially Stretched Poly(Ethylene 2,6 Naphthalene) PEN Films, <i>Polymer Engineering and Science</i> , vol. 30, no. 12, pp. 721-733, 1990.						
CC		Teijin Polyethylene Naphthalate Resin Technical Information. Predates 9/14/95.						
EXAMINER			DATE CONSIDERED					
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

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PATENT &amp; TRADEMARK OFFICE

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EXAMINER'S INIT.		DOCUMENT NUMBER	DATE	NAME		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA								
AB								
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AG								
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AJ								
AK								
AL								
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY		CLASS	SUBCLASS	TRANSLATION
BA	0 747 070	12/11/96	EP					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
BB	0 768 097	4/16/97	EP					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
BC	96/00752	1/11/96	WO					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
BD								
BE								
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)								
CA		JAPANESE ABSTRACT, APPLN NO. 03174200, FILED 7/15/91						
CB		JAPANESE ABSTRACT, APPLN NO. 05088654, FILED 4/15/93						
CC								
EXAMINER			DATE CONSIDERED					
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								



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			FILING DATE: Not Assigned		GROUP: Not Assigned		
REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAMINER'S INIT.	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	5223205	6/29/93	Jackowski et al.	264	521		
AB	4820349	4/11/89	Saab	128	344		
AC	5492741	2/20/96	Akao et al.	428	35.2		
AD	5348538	9/20/94	Wang et al.	604	96		
AE	5403340	4/4/95	Wang et al.	606	194		
AF	5449820	9/12/95	Fukui et al.	562	486		
AG	5189140	2/23/93	Nakane et al.	528	272		
AH	5,587,125	12/24/96	Roychowdhury	264	515		
AI	5500181	3/19/96	Wang et al.	264	532		
AJ	5330428	7/19/94	Wang et al.	604	96		
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
BA							
BB							
BC							
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA	D. Callander and E. Sisson, High Performance PEN & Naphthalate Based Packaging Resins, Shell Chemical Co., April 1994.					
	CB	D2857-70 Standard Method of Test for Dilute-Solution Viscosity of Polymers, 1970 Annual Book of ASTM Standards, Part 27, Plastics-General Method of Testing, Nomenclature, pp. 713-718.					
	CC						
	CD						
	CE						
EXAMINER			DATE CONSIDERED				
EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

SEP 11 2003  
PATENT & TRADEMARK OFFICE

Notice of References Cited

S63 2-6259-TIS03

Application No.

10/600017

Applicant(s)

Ferrera et al.

Examiner

Group Art Unit

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U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,871,468	2/1999	Kramer et al.	604	96
B					
C					
D					
E					
F					
G					
H					
I					
J					
K					
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M					

FOREIGN PATENT DOCUMENTS

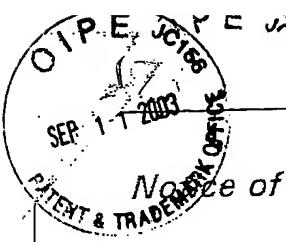
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N	JP 5-15603	1/1993	Japan	Hisayuki et al.	---	---
O						
P						
Q						
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S						
T						

NON-PATENT DOCUMENTS

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)

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Notice of References Cited

S63.2-6259-US03

Application No.	Applicant(s)
10/600017	Ferrera et al.
Examiner	Group Art Unit
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U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,807,327	9/15/98	Green et al.	604	96
B					
C					
D					
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F					
G					
H					
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FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
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Q						
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S						
T						

NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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V		
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X		



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		FILING DATE: Not Assigned		GROUP: NA	
REFERENCE DESIGNATION			U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS		
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS
	AA	5879369	3/9/99	Ishida	606/194
	AB	6242063	6/5/01	Ferrera et al.	428/35.2
	AC	5554120	9/10/96	Chen	604/96
	AD	5304340	4/19/94	Downey	264/521
	AE	6004289	12/21/99	Saab	604/96
	AF	6013728	1/11/00	Chen et al.	525/92
	AG	5871468	2/16/99	Kramer et al.	604/96
	AH	6013055	1/11/00	Bampos et al.	604/27
	AI	6325780	12/4/01	Schaible et al.	604/103.06
	AL	6358227	3/19/02	Ferrera et al.	604/103.06
FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	
	BA				
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)					
	CA		JP abstract of patent number 2509016; publication number 05-15603.		
	CB		JP abstract of patent number 2975803; publication number 06/296693.		
EXAMINER		DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					